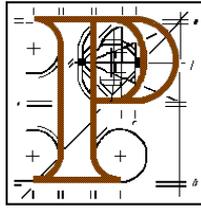


An Bord Pleanála



Inspector's Report

PL 29S 244834

DEVELOPMENT: Retention of the widening by approximately two metres of access at the rear boundary and which continues to facilitate access from the private open space to the rear.

LOCATION 10 Ashfield Road, Ranelagh, Dublin 6.

PLANNING APPLICATION

Planning Authority: Dublin City Council
P. A. Reg. Ref: 2231/15
Applicant: Paul McGarry and Olga Bogdan,
Decision: Grant Permission for Retention

APPEAL

Third Party Appellant: Maria and Brian McHugh
Type of Appeal Appeal against Grant of Permission.
Observers None

Date of Inspection: 17th June, 2015.

Inspector Jane Dennehy

1.0 INTRODUCTION

- 1.1 This file contains a third party appeal against the decision of Dublin City Council to grant permission for retention of a widened entrance on the rear boundary of No 10 Ashfield Road which facilitate access from the private open space at the rear of the house onto Mornington Road.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 No 10 Ashfield Road in Ranelagh is a two storey late nineteenth century end of terrace house with front and rear gardens which faces in a westerly direction onto Ashfield Road. The rear boundary which is six metres in width is on the frontage onto Mornington Road. There is a single storey flat roofed building at the rear of the house. There are double hardwood double doors with a width of four metres fitted in an opening in the rear boundary wall and the total length of the rear boundary is six metres.
- 2.2 The area is characterised by mature residential development, mostly in late nineteenth or early twentieth century brick fronted two storey terraced houses along with some later additions mostly of an infill nature. The location is close to the Beechwood LUAS stop and the Ranelagh village. Residents at most of the houses are reliant on the on street parking available in the area of. Some of the roads are one way only and vehicular access onto Mornington Road is not permitted between 7800 hrs and 1000 hrs Monday to Friday, a No Entry sign being displayed. Double yellow lines are located along the frontage of the site onto Mornington Road.

3. PLANNING HISTORY:

- 3.1 **P. A. Reg. Ref. 2557/14:** Permission was granted, for a single storey side extension at first floor level an extension to the existing roof, a light well in the new roof at the rear and site development works subject to standard conditions for a residential area on 6th January, 2015.

4. DEVELOPMENT PLAN.

- 4.1 The operative development plan is the Dublin City Development Plan, 2011-2017 according to which the site location is within the area subject to the zoning objective: Z2: "to protect, and/or improve the amenities of residential conservation areas".
- 4.2 According to Appendix 10, (4) on parking in the curtilage of protected structures, architectural conservation areas and conservation areas width of a vehicular entrance should be kept to a minimum with a

maximum width of no more than 2.6 metres and gates should be opening inwards.

5. THE PLANNING APPLICATION.

5.1 The application lodged with the planning authority on 17th February, 2015 indicates proposals for permission for retention of the widening of the existing access off Mornington Road to in the rear boundary of the property. According to information provided with the application the existing entrance in which there was a set of steel double doors, (shown on the plans as 1500 mm wide) has been widened and the gates have been replaced by hardwood double doors across a total width of four metres in the rear boundary wall. The description indicates a widening of an additional two metres but it would appear that the widening is 2.5 metres if the opening for the steel doors was 1.5 metres. The existing total width for which the applicants seek permission for retention is four metres according to the plans.

5.2 The internal technical reports indicate no objection to the proposed development subject to standard conditions of a technical nature.

6.0 DECISION OF THE PLANNING AUTHORITY.

6.1 By Order dated, 8th April, 2015 the planning authority decided to grant permission for retention subject to three conditions of a standard nature.

Condition 2 (c) contains a requirement that the gates may not be outward opening.

Condition 3 (a) contains requirement for drainage arrangements to be in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.

7.0 THE APPEAL.

7.1 An appeal was received from Maria and Brian McHugh of No 43 Mornington Road, Ranelagh on their own behalf on 1st May, 2015. Attached are some photographs. No 43 Mornington Road faces onto Mornington Road and abuts the northern boundary of the appeal site property at 10 Ashfield Road.

7.2 Their objections can be outlined as follows:

- There are obstructions and delays to traffic movement on Mornington Road and drivers often to not observe the 'no entry' traffic sign at the top of Mornington Road.

- The proposed vehicular entrance and use for off street parking give rise to traffic hazard. Emergency and services vehicles cannot access the end of Mornington Road here it lead to Ashfield Avenue. A dished path at the rear of No 6 Ashfield Road causes blockages as shown in the attached photographs. Vehicles on Mornington Road have been damaged.
- The original doors at the rear of No 10 Ashfield Road and a width of 2.4 metres were used for pedestrian access. The opening in the wall is now 4.25 metres wide.
- The new hardwood doors are very heavy and swing outwards resulting in public safety issues and the route is heavily used by pedestrians. Vehicles will be reversed, with limited driver visibility and at a dangerous angle relative to oncoming pedestrians and vehicles.
- The gates will be constantly opened and closed at all times of the day and night and this will have negative impact on the residential amenities of the appellant's property due to interference with privacy and due to noise.
- There have been numerous refusals of permission dating back to the 1970 for the appeal site property according to the appellants who state in concluding remarks that the decision to grant permission for retention is beyond their comprehension. They wish to know how many vehicles are permitted to access the rear garden of the property and they draw attention to Condition 2 (a) in which it is stated that the development "shall not have outward opening gates".

8. RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY.

8.1 There is no submission from the planning authority on file.

9. RESPONSE TO THE APPEAL BY THE APPLICANT.

9.1 A submission was received from the applicants on their own behalf on 20th May, 2015.

9.2 The contents of which are outlined in summary form below:

- The amount of pedestrian traffic, on footpaths and failure by motorists to comply with directional signage and speed limits is not relevant to the application. There is no linkage between the claims about damage to vehicles parked on the road. These points were not raised at application stage by the appellants.

- Issues about difficulties with access at the rear of Ashfield Road by emergency vehicles are also not relevant. These points were not raised at application stage by the appellants.
- The claim about difficulties encountered by services vehicles is not explained. There are no issues with the collection of residents' refuse, including the refuse from the applicant's property.
- The widening of the existing means of access does not give rise to traffic hazard on Mornington Road.
- The gates will not be constantly opening outwards as alleged in the appeal. In accordance with the condition they will be inwards opening only. The original access was 2.4 metres in width and the photographs submitted with the application prove this. The gates were unsightly. The widening and installation of the wooden gate is part of the works involved in converting the five flats in the house to a single dwelling. It is intended to plaster and paint the remainder of the boundary treatment.
- No 10 is the last house on the Ashfield Road and the appellants house is the last one on Mornington Road and this is not relevant to any planning issues at the rear of Nos.2- 8 Ashfield Road.
- Vehicles will not have to reverse out of the entrance onto the road as the entrance was widened to address this complication. Noise and privacy at the appellant's property will not be affected. As the house at No 43 Mornington Road is not setback from the road any noise or privacy issues need to be considered in the context of the proximity to noise caused by use of the road by traffic.
- The applicants' property has not been subject of several planning refusals as claimed in the appeal. There was an unsuccessful application for a mews house under WEB 1109/09 the reason relating to the scale of the proposed dwelling as well as the grant of permission under P. A. Reg. Ref. 2557/14.
- There is no supporting evidence for the claim that the proposed development has implications for all residents on Mornington Road.

9. EVALUATION

9.1 The issues considered central to the determination of a decision and considered below are that of impact on:

- Residential amenities taking into account the location within a residential conservation area and,
- Vehicular and pedestrian safety.

9.2 Residential amenities taking into account the location within a residential conservation area.

It is understood based on the details available on file that the original opening in the rear boundary of the site in which double doors were fitted had a width of two metres or slightly less. It is also appears, that the original opening was not in use as a vehicular entrance. However, this cannot be fully confirmed. The applicant has advised that he has returned the property to use as a single dwelling unit from subdivision into a number of flats. It is stated in the description of the proposed development, on the application form that the widened entrance is a, "*means of access at the rear boundary.... and which continues to facilitate access from the private open space to the rear of 10 Ashfield Road.*" This indicates that it is not the intention of the applicant to use the widened entrance as a vehicular entrance or for purposes other than access to the rear garden.

9.3 The applicant also asserts that the replacement hardwood doors fitted into the widened entrance improve the presentation of the rear boundary onto the street. While the hardwood doors are of good aesthetic quality, their four metre width, is disproportionate for a modest sized dwelling on a narrow plot with a rear boundary of six metres on a residential road. Furthermore it is considerably in excess of the maximum width of 2.6 metres recommended in Appendix 10 of the Dublin City Development Plan for entrances providing for on-site parking in Residential Conservations. However it is noted that the application does not include details of any proposals for off street parking within the site curtilage as it is indicated that the opening is required for access from the private open space. It is concluded that there is no justification for the proposed widened opening particularly in view of the more sensitive Residential Conservation Areas in the city irrespective of whether the intended purpose is or is not to facilitate off street parking at present or at some future date.

9.4 It is agreed with the appellant party that use of the entrance as a vehicular entrance could lead to disturbance that would be negative in effect on the residential amenities of their adjoining property at No 43 Mornington Road. The case made on behalf of the applicant that the impact should be considered in the context of and relative to existing patterns of noise and disturbance in the immediate environs. However the application does not indicate a proposed use as a vehicular entrance.

9.5 Vehicular and pedestrian safety:

The appeal case is also based on arguments about capacity of the road network in the area to cater for pedestrian and vehicular traffic and claims as to congestion, and the safety of pedestrian and vehicular

traffic and vehicles parked on the street. At the time of inspection which was at circa 8.30 am on a mid week morning there was very little evidence of vehicular traffic, on street parking spaces were unoccupied and a notable number of pedestrians, many of which comprised young children being brought to school by an adult and commuters walking along the footpaths were observed. The street widths are narrow especially owing to on street parking and it is accepted that some difficulties are potentially experienced in manoeuvres by large commercial or service vehicles.

- 9.6 It would be essential for the gates to be sliding or inward opening as required by condition and it is agreed with the appellants' that outward opening gates would be unacceptable due to reason of obstruction and public safety. In the event of possible future use as a vehicular entrance, there is no concern as to loss of on street parking facilities for use by residents and others owing to the double yellow line road marking along Mornington Road at the site boundary.
- 9.7 It can be concluded that the proposed widening of the entrance would not give rise to any case for rejection of the proposed development on grounds relating to vehicular and pedestrian safety and convenience.

9.8 **Appropriate Assessment.**

Having regard to the nature, scale and location of the proposed development it is considered that the proposed development would not be likely to have significant effect, individually or in combination with other plans and projects on European sites.

10. CONCLUSION AND RECOMMENDATION.

In conclusion, it is considered that it has not been demonstrated that the widening of the opening to four metres comprising two thirds of the six metre wide rear boundary is warranted as an access from the private open space having regard to the residential use of the house which is in an inner suburban residential conservation area as a single dwelling unit. The widened opening which is considerably in excess of the maximum width of 2.6 metres recommended for curtilage parking in conservation areas according to Appendix 10 of the Dublin City development Plan is disproportionate and in conflict with the zoning objective for residential conservation areas. It is therefore recommended that the planning authority decision be rejected and that permission for retention be refused on the basis of the reasons and considerations set out in the draft order overleaf.

DECISION

Refuse Permission for Retention on the basis of the Reasons and Considerations set out below.

The site of the proposed development is that of a house that is in use as a single residential dwelling unit and which is located within an area subject to the zoning objective: "Residential Conservation Area" according to the Dublin City Development Plan, 2011-2017. It is considered that the proposed widening of opening in the rear boundary to four metres in width is excessive in proportion to the six metre length of the rear boundary which is inappropriate for street frontage boundary treatment in residential conservation areas and that the widened opening is unwarranted for the use as an exit from the private open space at the rear of the dwelling to the public road. As a result the proposed development would be seriously injurious to the residential and visual amenities and character of the residential conservation area and contrary to the proper planning and sustainable development of the area.

Jane Dennehy,
Senior Planning Inspector.
19th June, 2015.